

ESTTA Tracking number: **ESTTA175572**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91179982
Party	Defendant zarnekee, jerry
Correspondence Address	ZARNEKEE, JERRY 11274 EVERGREEN LOOP CORONA, CA 92883-8477 jerryzarnekee@sbcglobal.net
Submission	Answer
Filer's Name	jerry zarnekee
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Signature	/JERRY ZARNEKEE/
Date	11/19/2007
Attachments	rockstar defendant pdf.pdf (1 page)(141750 bytes)

The DEFENDANT Responding to the following opposition is named Jerry G Zarnekee ,opposition number #9117992.

Answer To Notice Of Opposition:

#1/page 5. Opposer alledges that he will be damaged by the registration of the mark shown in serial no.78942645.opposer is the owner of numerous registrations for rockstar all pertaining to an energy drink,juice drink or cola,or tagline,"party like a rockstar....the logo used for these products is the shape of a star, these products are all beverages.

The plaintiff JERRY G ZARNEKEE contests the opposition, in that the DEFENDANTS logo is quite clearly a completely different logo on the rockstar salsa label,the DEFENDANTS logo consists of a distressed worn looking skull and crossbones with an old cowboy hat, there is no resemblance what so ever between a western skull and crossbones cowboy hat....and the star representing rockstar energy drink.....there is no possible way that the consumer would likely be confused ,or deceived or cause mistake as to the source of sponsorship or affiliation when energy drinks and juices are in the beverage cooler with a big star logo representing rockstar energy drink.....as compared to the consumer looking in the salsa and chips section of the convenience store ,,Especially when the logo is represented by a western skull and crossbones